

EXECUTION COPY

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DMJ ASSOCIATES, L.L.C.,

Plaintiff,

v.

CARL A. CAPASSO, et al.,

Case No. 97 CV 7285 (DLI)(RML)

Defendant.

EXXON MOBIL CORPORATION; and
QUANTA RESOURCES CORPORATION,

Defendants/Third-Party Plaintiffs,

v.

ACE WASTE OIL, INC., et al.,

Third-Party Defendants.

**STIPULATION OF DISMISSAL WITH PREJUDICE
PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

The Third-Party Plaintiffs, Quanta Resources Corporation and Exxon Mobil Corporation, and the Third-Party Defendants AVCO Corporation (a/k/a Avco Lycoming), Coty, Inc. (f/k/a Clairol, Inc., sued as Procter & Gamble Haircare, LLC), Crosman Corporation (sued as “Crosman Corp. (f/k/a Coleman Airguns, Inc.)(f/k/a Crosman Arms Company, Inc.)”), Crown Cork & Seal Company, Inc., Emhart Teknologies LLC, Kraft Heinz Foods Company (f/k/a Kraft Foods Global, Inc.) (f/k/a Warr Chemical) (sued as Kraft Foods Global, Inc. f/k/a Warr Chemical), Novelis Corporation (f/k/a Alcan Aluminum Corporation)(a/k/a Alcan Sheet & Plate), Phillips 66 (as successor in interest to sued party Conoco Phillips Company), Revere Copper Products, Inc. (sued as Revere Copper Products, Inc. a/k/a Revere Copper & Brass Incorporated), Rexam Beverage Can Company (f/k/a National Can Company)(f/k/a American

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National Can Company), River Terminal Development (Scrap Yard Division)(a/k/a RTC Properties)(f/k/a Union Minerals & Alloys Corp.), Sunoco (R&M), LLC (f/k/a Sunoco, Inc. (R&M)) (sued as Sunoco, Inc. (a/k/a Sun Oil Refinery) (f/k/a Sun Oil Co.)), TDY Industries, and Wyman-Gordon Company, (collectively, the "Private Third-Party Defendants"), (the Third-Party Plaintiffs and the Private Third-Party Defendants, collectively, the "Private Settling Parties") hereby stipulate and agree that:

1. The above-captioned-action is voluntarily dismissed with prejudice as to all of the Private Settling Parties in accordance with the terms and conditions of a Confidential Settlement Agreement and Mutual Release which has been executed by the Private Settling Parties, without costs assessed by the Court against any party, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii);

2. The Court will maintain jurisdiction to ensure compliance with the Confidential Settlement Agreement and Mutual Release; and

3. This dismissal will become effective upon entry by the Court.

Signed and Agreed To:

EXXON MOBIL CORPORATION



By: Andrew E. Anselmi, Esq.

McCusker, Anselmi, Rosen & Carvelli, P.C. Attorneys for
Exxon Mobil Corporation

QUANTA RESOURCES CORPORATION

By: Allen G. Reiter, Esq.

Arent Fox LLP

Attorneys for Quanta Resources Corporation

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National Can Company), River Terminal Development (Scrap Yard Division)(a/k/a RTC Properties)(f/k/a Union Mineral & Alloys Corp.), Sunoco (R&M), LLC (f/k/a Sunoco, Inc. (R&M)) (sued as Sunoco, Inc. (a/k/a Sun Oil Refinery) (f/k/a Sun Oil Co.)), TDY Industries, and Wyman-Gordon Company, (collectively, the "Private Third-Party Defendants"), (the Third-Party Plaintiffs and the Private Third-Party Defendants, collectively, the "Private Settling Parties") hereby stipulate and agree that:

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2. The Court will maintain jurisdiction to ensure compliance with the Confidential Settlement Agreement and Mutual Release; and

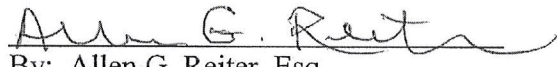
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EXXON MOBIL CORPORATION

By: Andrew E. Anselmi, Esq.
McCusker, Anselmi, Rosen & Carvelli, P.C. Attorneys for
Exxon Mobil Corporation

QUANTA RESOURCES CORPORATION


By: Allen G. Reiter, Esq.
Arent Fox LLP
Attorneys for Quanta Resources Corporation

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AVCO CORPORATION (A/K/A AVCO LYCOMING)

Emily A. Kaller
By: David A. Roth, Esq.
Emily A. Kaller, Esq.
Greenbaum, Rowe, Smith & Davis, LLP
Attorneys for AVCO Corporation (a/k/a AVCO
Lycoming)

**COTY, INC. (F/K/A CLAIROL, INC., SUED AS PROCTER &
GAMBLE HAIRCARE, LLC)**

Reed W. Neuman, Esq.
By: Reed W. Neuman, Esq.
Nossaman, LLP
Attorneys for Coty, Inc. (f/k/a Clairol, Inc., sued as Procter
& Gamble Haircare, LLC)

**CROSMAN CORPORATION (SUED AS "CROSSMAN CORP.
(F/K/A COLEMAN AIRGUNS, INC) (F/K/A CROSMAN ARMS
COMPANY, INC.)")**

Thomas F. Walsh, Esq.
By: Thomas F. Walsh, Esq.
Barclay Damon LLP
Attorneys for Crosman Corporation (f/k/a Coleman
Airguns, Inc.) (f/k/a Crosman Arms Company, Inc.)

CROWN CORK & SEAL COMPANY, INC.

Alan S. Golub, Esq.
By: Alan S. Golub, Esq.
Fein, Such, Kahn & Shepard, P.C.
Attorneys for Crown Cork & Seal Company, Inc.

EMHART TEKNOLOGIES LLC


Jeffrey M. Karp, Esq.
By: Jeffrey M. Karp, Esq.
Sullivan & Worcester LLP
Attorneys for Emhart Teknologies LLC

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By: Reed W. Neuman, Esq. 2/19/19
Nossaman, LLP
Attorneys for Coty, Inc. (f/k/a Clairol, Inc., sued as Procter
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**CROSMAN CORPORATION (SUED AS "CROSSMAN CORP.
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By: Thomas F. Walsh, Esq.
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EXHIBIT 108 (COTY)


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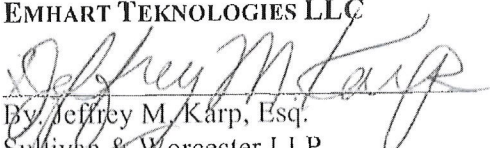
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**KRAFT HEINZ FOODS COMPANY (F/K/A KRAFT FOODS
GLOBAL, INC.) (F/K/A WARE CHEMICAL)
(SUED AS KRAFT FOODS GLOBAL, INC. F/K/A WARE
CHEMICAL)**



By: Dan Riesel, Esq.
Sive, Paget & Reisel, P.C.
Attorneys for Kraft Heinz Foods Company (f/k/a Kraft
Foods Global, Inc.) (f/k/a Ware Chemical)

**NOVELIS CORPORATION (F/K/A ALCAN ALUMINUM
CORPORATION) (A/K/A ALCAN SHEET & PLATE)**

By: Mark Kindt, Esq.
Attorney for Novelis Corporation (f/k/a ALCAN
Aluminum Corporation) (a/k/a ALCAN Sheet & Plate)

**PHILLIPS 66 COMPANY (AS SUCCESSOR IN INTEREST TO
SUED PARTY CONOCO PHILLIPS COMPANY)**

By: Steven Gray, Esq.
Waters McPherson McNeill, PC
Attorneys for Phillips 66 Company (As Successor In
Interest to Sued Party Conoco Phillips Company)

**REVERE COPPER PRODUCTS, INC. (SUED AS REVERE
COPPER PRODUCTS, INC. (A/K/A REVERE COPPER &
BRASS INCORPORATED))**

By: Robert R. Tyson, Esq.
Bond, Schoeneck & King
Attorneys for Revere Copper Products, Inc.

**REXAM BEVERAGE CAN COMPANY (F/K/A NATIONAL CAN
COMPANY) (F/K/A AMERICAN NATIONAL CAN COMPANY)**


By: William S. Hatfield, Esq.
Gibbons P.C.
Attorneys for Rexam Beverage Can Company (f/k/a
National Can Company)(f/k/a American National Can
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By: Dan Riesel, Esq.
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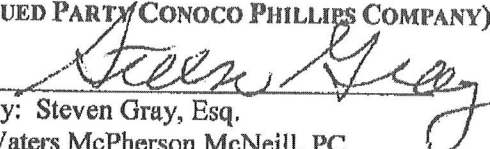
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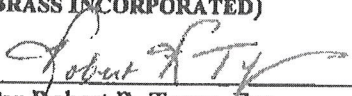
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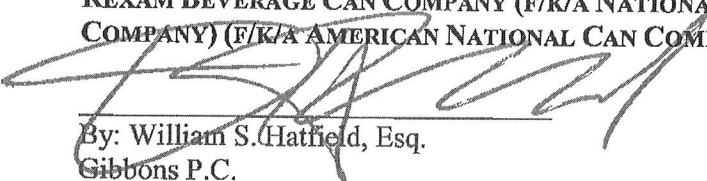
**PHILLIPS 66 COMPANY (AS SUCCESSOR IN INTEREST TO
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By: Steven Gray, Esq.
Waters McPherson McNeill, PC
Attorneys for Phillips 66 Company (As Successor In
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Bond, Schoeneck & King
Attorneys for Revere Copper Products, Inc.

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By: William S. Hatfield, Esq.
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Attorneys for Rexam Beverage Can Company (f/k/a
National Can Company)(f/k/a American National Can
Company)

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**RIVER TERMINAL DEVELOPMENT (SCRAP YARD
DIVISION) (A/K/A (RTC PROPERTIES)(F/K/A UNION
MINERALS & ALLOYS CORP.)**



By: Daniel Riesel, Esq.
Sive, Paget & Riesel P.C.
Attorneys for River Terminal Development (Scrap Yard
Division) (a/k/a RTC Properties)(f/k/a Union Minerals &
Alloys Corp.)

**SUNOCO (R&M), LLC (F/K/A SUNOCO, INC. (R&M))
(SUED AS SUNOCO, INC. (A/K/A SUN OIL REFINERY) (F/K/A
SUN OIL Co.))**

By: Timothy M. Sullivan, Esq.
Beveridge & Diamond, P.C.
Attorneys for Sunoco (R&M), LLC (f/k/a Sunoco, Inc.
(R&M)) (sued as Sunoco, Inc. (a/k/a Sun Oil Refinery)
(f/k/a Sun Oil Co.))

**TDY INDUSTRIES, LLC
(F/K/A AND SUED AS TDY INDUSTRIES, INC.)**

By: Duke K. McCall, III, Esq.
Morgan Lewis & Bockius, LLP
1111 Pennsylvania, NW
Washington, DC 20004
Attorneys for TDY Industries, LLC (f/k/a TDY
Industries, Inc.)

WYMAN-GORDON COMPANY

By: Sean Monaghan, Esq.
Schenck Price Smith & King, LLP
Counsel for Wyman-Gordon Company

**SO ORDERED THIS _____
DAY OF _____, 2019.**

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**RIVER TERMINAL DEVELOPMENT (SCRAP YARD
DIVISION) (A/K/A (RTC PROPERTIES)(F/K/A UNION
MINERAL & ALLOYS CORP.)**

By: Daniel Riesel, Esq.
Sive, Paget & Riesel P.C.
Attorneys for River Terminal Development (Scrap Yard
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Alloys Corp.)

**SUNOCO (R&M), LLC (F/K/A SUNOCO, INC. (R&M))
(SUED AS SUNOCO, INC. (A/K/A SUN OIL REFINERY) (F/K/A
SUN OIL CO.))**

By: Timothy M. Sullivan, Esq.
Beveridge & Diamond, P.C.
Attorneys for Sunoco (R&M), LLC (f/k/a Sunoco, Inc.
(R&M)) (sued as Sunoco, Inc. (a/k/a Sun Oil Refinery)
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By: Duke K. McCall, III, Esq.
Morgan Lewis & Bockius, LLP
1111 Pennsylvania, NW
Washington, DC 20004
Attorneys for TDY Industries, LLC (f/k/a TDY
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WYMAN-GORDON COMPANY

By: Sean Monaghan, Esq.
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Counsel for Wyman-Gordon Company

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SUNOCO, INC. (ORIGINALLY SUED AS SUNOCO, INC. (A/K/A
SUN OIL REFINERY) (F/K/A SUN OIL CO.));

By: Timothy M. Sullivan, Esq.
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WYMAN-GORDON COMPANY

By: Sean Monaghan, Esq.
Schenck Price Smith & King, LLP
Counsel for Wyman-Gordon Company

SO ORDERED THIS _____
DAY OF _____, 2019.

HONORABLE DORA L. IRIZARRY
UNITED STATES CHIEF DISTRICT JUDGE

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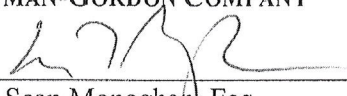
**SUNOCO, INC. (ORIGINALLY SUED AS SUNOCO, INC. (A/K/A
SUN OIL REFINERY) (F/K/A SUN OIL CO.));**

By: Timothy M. Sullivan, Esq.
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WYMAN-GORDON COMPANY



By: Sean Monaghan, Esq.
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UNITED STATES CHIEF DISTRICT JUDGE**